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Attorneys for Plaintiff Mark DiSalle

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

13 | MARK DISALLE, an individual,

Plaintiff.

V.

17 ALBERTO LENSI, an individual;
18 TRANS-AMERICAN FILMS
19 INTERNATIONAL CORPORATION,
a Delaware corporation, and DOES 1-
20

Defendants.

Case No. 22-cv-02152-SSS-PVCx

Hon. Sunshine S. Sykes

**DECLARATION OF MARC
TOBEROFF IN SUPPORT OF
THE PARTIES' JOINT
STIPULATION AND
PROPOSED ORDER TO
CONTINUE PRETRIAL AND
TRIAL DATES**

District Judge: Hon. Dolly M. Gee
Magistrate Judge: Hon. Karen E.
Scott

*Joint Stipulation and [Proposed]
Order Granting Continuance and
[Proposed] Schedule of Pretrial
Trial and Trial Dates filed
concurrently herewith*

1 I, Marc Toberoff, declare as follows:

2 1. I am a member of the bar of the State of California and a principal
3 of the law firm Toberoff & Associates, P.C., counsel of record for plaintiff Mark
4 DiSalle. I submit this Declaration in support of Plaintiff's Request to Continue
5 Pretrial and Trial Dates. Except where otherwise stated, I have personal
6 knowledge of the facts set forth herein and if called as a witness could and
7 would so testify. I submit this declaration in support of the parties' Joint
8 Stipulation Regarding Modification of Trial and Pretrial Dates and the Proposed
9 Order filed concurrently herein.

10 2. My law firm Toberoff & Associates is quite small and consists of
11 two attorneys, myself and one associate who is working remotely, only part-
12 time, and currently, not on this case. Notwithstanding this, I am litigating, in
13 addition to this case, two major copyright cases, one in the Central District of
14 California, and one in the Southern District of New York.¹ In both of these
15 cases, the parties jointly stipulated to and promptly received multiple extensions
16 of pending trial and pre-trial dates due to my medical situation.

17 3. In late November, 2022, I was diagnosed at UCLA Medical Center
18 with a medical condition that would require multiple surgeries. Over the past
19 five months this has consumed me, my family, and much of my time, including
20 without limitation undergoing follow-up tests and examinations, meeting and
21 communicating with various UCLA medical specialists, meeting and follow-up
22 communications with a doctor in New York City regarding alternative treatment,
23 and meeting and follow-up with three doctors at Massachusetts General Hospital
24 in Boston to obtain a second opinion.

25 4. As a result of the above, I have recently underwent two surgeries in
26 May, 2023. These surgeries required advance preparations and necessitated post-

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¹*Marvel Characters, Inc. v. Ditko*, No. 1:21-cv-07957-LAK (S.D.N.Y.); *Yonay v. Paramount Pictures Corp.*, No. 2:22-cv-3846-PA-GJS (C.D. Cal.).

1 surgery recuperation period over the next two months. Unfortunately, these
2 surgeries also resulted in post-operative complications, further exacerbating the
3 interference with my work. For privacy reasons, I have refrained from providing
4 more explicit details.

5 5. All of the above has significantly impacted my ability to prosecute
6 and defend this case and will continue to do so over the next three months.

7 6. I have also been informed by opposing counsel Michael Kearns,
8 who joins in the Joint Stipulation filed herewith, that his client Defendant-
9 Counterclaimant Alberto Lensi is currently in Italy and will not return to the
10 United States until mid-October, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I executed this Declaration on this 11th day of June 2023, at Malibu, California.

/s/ Marc Toberoff

Marc Toberoff